

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

MONTREZ AUBERRY, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

FASTEST MEDIA LLC,

Defendant.

Case No. 2:22-cv-12426-BAF-CI

Hon. Bernard A. Friedman

**PLAINTIFF'S APPLICATION FOR CLERK'S ENTRY
OF DEFAULT PURSUANT TO FED. R. CIV. P. 55(a)**

Plaintiff Montrez Auberry, individually and on behalf of all others similarly situated, respectfully submits this application for a Clerk's entry of default against Defendant Fastest Media LLC pursuant to Federal Rule of Civil Procedure 55(a).

As demonstrated by the record in this action and the declaration of E. Powell Miller (and accompanying exhibits) attached hereto as **Exhibit A**, Defendant Fastest Media LLC has failed to answer, respond to, or otherwise defend this action within the time specified in Federal Rule of Civil Procedure 12(b)(1)(A).

Accordingly, Plaintiff, individually and on behalf of the proposed class, moves for a Clerk's entry of default against Defendant pursuant to Federal Rule of Civil Procedure 55(a). A proposed order entering Clerk's default against Defendant is attached hereto as **Exhibit B**.

Dated: March 9, 2023

Respectfully submitted,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 9, 2023, a true and correct copy of the foregoing was served by electronic service via the Court's CM/ECF service on all counsel or parties of record on the service list in the above-entitled action. I further certify that a true and correct copy of the foregoing is being sent this same date to the persons listed below via prepaid first-class U.S. Mail:

- Fastest Media LLC, 500 N Rainbow Boulevard Station 300A, Las Vegas, Nevada 89107.

/s/ E. Powell Miller

E. Powell Miller